

REMARKS

This responds to the Office Action mailed on April 7, 2005, and the references cited therewith.

Claims 1, 8, 22, 32, 39 and 33 are amended; claims 5, 7, 12, 23, 36, 38, and 43 are cancelled; as a result, claims 1-4, 6, 8-11, 13-22, 24-35, 37, 39-42 and 44-52 are now pending in this application.

§103 Rejection of the Claims

Claims 1-4, 6, 8-11, 13-22, 24-35, 37, 39-42 and 44-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,493,695 (hereinafter Pickering) in view of U.S. 6,128,380 (hereinafter Shaffer) and in further view of U.S. 6,366,575 (hereinafter Barkan).

Applicants respectfully submit that claims 1-4, 6, 8-11, 13-22, 24-35, 37, 39-42 and 44-52 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitations:

receiving status messages....each status message providing agent availability data that indicates whether an agent of the plurality of agents multi-tasks.

The Office Action contends that the above limitation is anticipated by the following disclosure in Barkan:

Call router 18 receives agent status messages from agent stations 14 that describe the states of agent stations 14, e.g., busy on a call, idle, doing wrap-up, available for a call.Agent stations 14 can thus service incoming calls dialed to a central number in addition to calls from outside telephones 12 initiated from a web page on the internet.

Barkan Col 4, lines 24-34.

The above quote from Barkan describes a call router that receives agent status messages from agent stations and two types of calls that may be serviced by agent stations. The agent status messages describe the states of agent stations, e.g., busy on a call, idle, doing wrap-up, available for a call. The types of calls that may be serviced by an agent station include incoming calls dialed to a central number and calls from outside telephones initiated from a web page on the Internet.

Claim 1 requires receiving a status message that provides agent availability data that indicates whether an agent multi-tasks. In contrast the above quote from Barkan does not describe receiving a status message that indicates whether an agent multi-tasks. Rather, the above quote from Barkan describes receiving agent status messages that describe the states busy on a call, idle, doing wrap-up, and available for a call. Clearly an indication whether an agent multi-tasks is not included in the above description from Barkan. Indeed, the above description does describe different types of calls that may be serviced by an agent station; however, this is not the same as a status message that indicates whether an agent multi-tasks. Barkan therefore cannot be said to anticipate the above quoted limitation because Barkan describes receiving agent status messages that describe the states of agent stations including busy on a call, idle, doing wrap-up, available for a call and claim 1 requires receiving a status message that provides agent availability data that indicates whether an agent multi-tasks.

If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-4, 6, 8-11, 13-21, 24-31, 33-35, 37, 39-42 and 44-52 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Pickering in combination with Shaffer in combination with Barkan does not teach or suggest each and every limitation of claims 1, 22 and 32 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408 846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of August, 2005.

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